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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/634,900	04/26/96	GERACE	T FOI96-01

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EXAMINER	
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ART UNIT	PAPER NUMBER
2763	10

DATE MAILED: 02/05/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

*Please see attachments*

# Office Action Summary

Application No.

08/634,900

Applicant(s)

Thomas A. Gerace

Examiner

M. Irshadullah

Group Art Unit

2763



☒ Responsive to communication(s) filed on Apr 26, 1996

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-28 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-28 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2,8,9

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
2. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilkins (US Patent 5,446,919).

Wilkins shows substantially the same method and apparatus comprising:

1. a data assembly for providing agate information to users of the computer network.

[See: Col 3, lines 44-47, Col 6, lines 57-58, Fig. 1A; box 20, Col 8, lines 4-6, lines 38-40, Col 9, lines 41-44 and Col 10, line 11];

a tracking and profiling member responsive to the data assembly. [See: Col 4, lines 2-3, lines 13-14, Col 6, lines 62-64, Figs. 1A and 1B; Col 8, lines 6-11, Col 9, lines 32-40, Col 10, lines 3-10, Claim 1; Col 17, lines 53-54 and lines 60-63];

2. wherein the data assembly provides at least one of data/information.[See: Col 7, lines 2-5, Claim 10; Col 19, lines 4-13 and Claim 22; Col 21, lines 31-34 & lines 46-47];

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3. the tracking and profiling member records format preferences of users.

[See: Col 4, lines 45-48]; and

(a) in a manner customized according to the format preferences of the user. [See: Col 4, lines 17-19 and line 48]; and

(b) having contents corresponding to the psychographic profile of the user. [Col 4, lines 50-53];

4. wherein the tracking and profiling member further records demographic information of the user such that. [See: Col 6, lines 62-66 and Col 7, lines 5-14];

5. an advertising component coupled between the data assembly and tracking and profiling member. [See: Col 4, lines 2-4, lines 11-15, lines 59-68, Col 5, lines 1-63 and Col 8, lines 43-46];

6. the tracking and profiling member further provides demographic information about a user. [See: Col 7, lines 22-23, lines 27-37 and Col 10, lines 37-39];

7. (i), (ii) and (iii) wherein the advertising component further records history of users viewing the advertisement. [See: Col 10, lines 54-64, Col 4, lines 13-15, lines 26-27 and Fig. 3; Col 1, lines 20-22];

8. A subroutine coupled to the advertising component for regression analysis. [See: Col 3, lines 50-53, lines 59-60, lines 65-68 and Col 11, lines 1-5];

9. providing aggregate information for viewing by users of the network. [See: Figs. 1A and 1B, Fig 2; boxes 111, 140, 141 & 150 and Col 7, lines 2-7];

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10. providing at least one of stock data/information. [See: Col 7, lines 2-5, Claim 10;

Col 19, lines 4-13 and Claim 22; Col 21, lines 31-34 & lines 46-47];

11. (i) providing advertisements, (ii) providing a target profile and (iii)

comparing user profile to target profiles. [See: Col 4, lines 2-4, lines 11-15,

lines 59-68, Col 5, lines 1-63 and Col 8, lines 43-46];

12. the step of recording further records user viewing activity. [ See: Col 7, lines 29-37

and Col 1, lines 1-5];

13. (a) providing a source of information, the source holding a multiplicity of pieces of

information. [See: Figs. 1A and 1B; Col 7, lines 67-68 continue Col 8, lines 1-14];

(b) for each of certain pieces of information in the source, setting respective initial profiles

of target users to receive the certain piece of information. [See: Col 9, lines 32-34, Col 10,

lines 54-68, Col 11, lines 10-16 and Col 12, lines 32-34];

(c) transmitting each of the certain piece of information across the communication

channel.[See: Fig 3; Col 11, lines 20-38];

(d) recording computer activity of users viewing the certain pieces of information. [See:

Col 8, lines 4-14 and Col 4, lines 13-14];

(e) redefining the initial profiles of target users based on regression analysis. [See: Col 3,

lines 50-53, Col 6, lines 26-36 and Col 11, lines 1-5];

(f) whereas continually repeating steps © through (e) are concerned, Examiner takes

official notice as the same being obvious to the one in the field];

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14. The step of providing a source includes providing agate information. [See: Col 4, lines 56-58];

15. The step of providing a source of information further includes advertisements as a certain pieces of information. [See: Col 4, lines 59-68, continue Col 5, lines 1-39];

16. the step of setting respective initial profiles of users includes allowing sponsors of the advertisements. [See: Col 3, lines 12-13, lines 58-62 and Col 4, lines 11-12];

17 and 18. the step of redefining includes using the regression analysis to weight importance and the step is based on the analysis. [See: Col 11, lines 1-15 and 18];

19. the step of transmitting includes displaying to users agate information in real time.[See: Col 3, lines 5-1 and lines 49-50];

20. The step of transmitting and displaying includes displaying agate information in predefined schedules. [See: Col 6, lines 46-61, and Col 17, lines 39-40];

21. the step of displaying agate information further includes updating of the information. [See: Col 3, lines 48-53];

22. The subroutine includes performing a regression analysis and refining the target profile. [See: Col 3, lines 48-53, Col 1, lines 1-5, and Col 13, lines 7-16];

23. (a) determining appropriateness and [See: Col 11, lines 22-38];

(b) ranking the certain pieces of information determined to be appropriate. [See:

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Col 12, lines 31-59 and Col 16, lines 40-42];

24. the step of redefining profiles of target users is performed in real time. [See: Col 3, lines 48-53, and Col 13, lines 7-29];

25. The step of redefining the profiles includes performing regression analysis in real time. [See: Col 3, lines 48-53, Col 11, lines 1-16, Col 8, lines 9-10 and Col 17, lines 26-28];

26. The step of defining, for each user, a user profile base on the recorded activities of the user. [See: Col 5, lines 46-48, lines 55-56, Col 8, lines 24-29 and lines 30-37];

27. the step of reporting the continually adjusted profiles of target users and repeating being accomplished by repeating steps © through (e). In this regard, Examiner takes official notice that the same being obvious to one in the field.

28. The step of reporting includes displaying to sponsors of the advertisements. [See: Col 3, lines 5-13, and Col 4, lines 11-15].

### *Conclusion*

3. The prior art and other material made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Saxe, US Patent 5,636,346. Method and System for Selectively Targeting Advertisements and Programming.


b) Kiewit, US Patent 4,930,011. Method and Apparatus for Identifying Individual Members of a Marketing and Viewing Audience.

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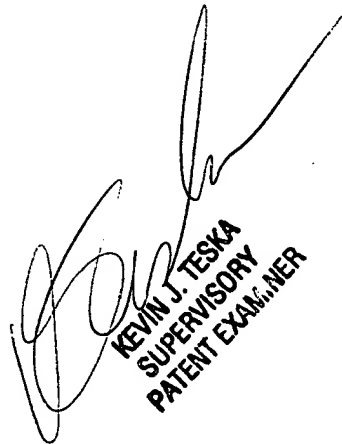
c) Weinblatt, US Patent 4,718,106. Survey Of Radio Audience.

d) Weinblatt, US Patent 4,659,314. Survey Technique For Readership of Publications.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Irshadullah whose telephone number is (703) 308-6683.

  
M. Irshadullah

January 31, 1998

  
KEVIN J. TESKA  
SUPERVISORY  
PATENT EXAMINER